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EBMUD

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POWER

January 4, 2011

John Laird, Secretary
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Mr. Laird:

We wish to congratulate you on your appointment as Secretary of the Natural Resources Agency, and look forward to working with you to meet the many challenges facing the state on areas of shared concern. The East Bay Municipal Utility District (EBMUD) and the San Francisco Public Utilities Commission (SFPUC) are both strong supporters of both fixing the Delta ecosystem and achieving more reliable water supplies for those who take their water from the Delta. We know that your active role in shaping policies for the Delta during your service in the Legislature has given you a strong background in the issues that must be confronted in the near future.

As you know, advancing the Bay Delta Conservation Plan (BDCP) was a high priority for the Schwarzenegger administration, and has received considerable attention from various interested parties. Early in 2010, the Schwarzenegger Administration set a goal for completing the BDCP Delta Plan by November 2010. Against this ambitious deadline, they were unable to complete their BDCP Delta Plan, but they did issue a BDCP "progress report" last month as the Administration was winding down.

The "Highlights of the BDCP" report issued last month contains much important information about the current status and outstanding issues in the state's effort to meet export water supply and ecosystem needs in the Delta. While EBMUD and SFPUC are not members of the BDCP Steering Committee, we have been tracking its progress and recognize the great challenges that the BDCP must surmount to achieve a broadly supported plan.

Given the importance of presenting an accurate picture to the public, we were greatly disappointed to see a serious distortion of the facts concerning "How Water Currently Flows Through the Delta" on page 10 of the BDCP Highlights report. This report inappropriately creates the impression that EBMUD and SFPUC take huge quantities of water out of the Delta watershed. In fact, looking at page 10 of this report, you might conclude that EBMUD and SFPUC are the largest diverters of water from this watershed. Both utilities are singled out by name in these graphics. We have included the graphics taken directly from the report as Attachment 1 to our letter.

The pie chart on this page takes the average total inflow to the Delta and depicts the percentages taken by different users, including **31% of inflow** diverted in the Delta watershed. This is summarized as "consumptive use of applied water and diversions for Friant-Kern Canal, EBMUD's Mokelumne Aqueduct, and San Francisco Public Utility Commission's Hetch Hetchy Aqueduct." While it is regrettable that the BDCP report distorts the data on diversions, the accompanying map on page 10 of the report is even more misleading. In this map, EBMUD and SFPUC are featured so as to suggest that they are responsible for most of the upstream diversions, omitting even a mention of the hundreds of other users in the watershed. This illustration creates a powerful and misguiding inference that we are at a loss to explain.

What are the facts? The facts are that EBMUD's diversions represent 0.6% of Delta inflow. The facts are that SFPUC's diversions represent 0.7% of Delta inflow. **Combined, EBMUD and SFPUC's diversions represent only about 1.3% of the total Delta inflow**. Our two systems, together, serve approximately 10% of California's population with this exceptionally small percentage of Delta inflow. It is puzzling, at best, why the BDCP report should single out and highlight two Bay Area agencies in this manner, creating a false impression that our water use exceeds even the exporters' diversions.

The BDCP can only meet with success if it persuasively uses factual evidence, and this portion of the BDCP report fails to meet that standard. Recognizing that you had no part in preparing this report, we respectfully request that the misleading pie chart be revised as shown on Attachment 2, which accurately reflects EBMUD and SFPUC diversions. Further, we request that the accompanying map be revised to either eliminate inappropriate reference to EBMUD and SFPUC or add all other diverters in addition to EBMUD and SFPUC. We believe that it would serve no good purpose to leave this misrepresentation in a report by the state of California.

Our agencies are committed to the success of efforts to solve the major problems of the Delta, and recognize that all parties will have to contribute to that end. Our agencies understand that our diversions from the watershed must be closely evaluated, along with those diversions by others. We expect and ask for no special treatment or status. All we ask for is honest and accurate reporting of the facts in any such status report issued by the

state of California. With this opportunity for a fresh start, we pledge to work constructively with you and all stakeholders toward a truly sustainable Delta.

Sincerely,

Dennis Diemer, General Manager
East Bay Municipal Utility District

Ed Harrington, General Manager
San Francisco Public Utilities Commission

Attachments

cc: Senators Dianne Feinstein and Barbara Boxer
East Bay and San Francisco Members of the California Congressional delegation
Kenneth Salazar, Secretary of the Interior
David Hayes, Deputy Secretary of the Interior
Mike Connor, Commissioner, Bureau of Reclamation
Donald Glaser, Director, USBR Mid-Pacific Region
Mark Cowin, Director, Department of Water Resources
John McCamman, Director, Department of Fish and Game
East Bay and San Francisco Members of the California Legislature
Delta Stewardship Council
State Water Resources Control Board
Art Jensen, BAWSCA
BDCP Steering Committee

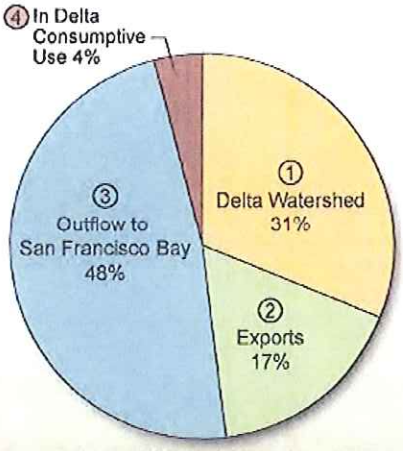
BACKGROUND

How Water Currently Flows Through the Delta

A conservation goal of the BDCP is to contribute to a more natural flow pattern within the Delta. Before natural conditions were altered, water from the Sacramento River and San Joaquin River watersheds flowed into the Delta and out to the Pacific Ocean through the San Francisco Bay. Today, there are significant upstream and in-Delta diversions of water that occur before flows reach the ocean, resulting in reduced flow rates and altered flow patterns.

What Delta Flows will the BDCP Address?

Water that flows through the Delta starts its journey as precipitation in the Sacramento River and San Joaquin River Basins. On average, approximately 31 percent of that water is diverted from the system before it reaches the Delta, 48 percent flows through the Delta and into San Francisco Bay, 4 percent is used within the Delta, and 17 percent is exported to the San Francisco Bay Area, Southern California, and the San Joaquin Valley through the state and federal water projects. The BDCP will address the manner in which water is exported from the Delta via the SWP and CVP. The BDCP cannot address overall Delta flows because most of the water taken out of the system is non-CVP and non-SWP water.



Delta Water Allocations
(average annual)

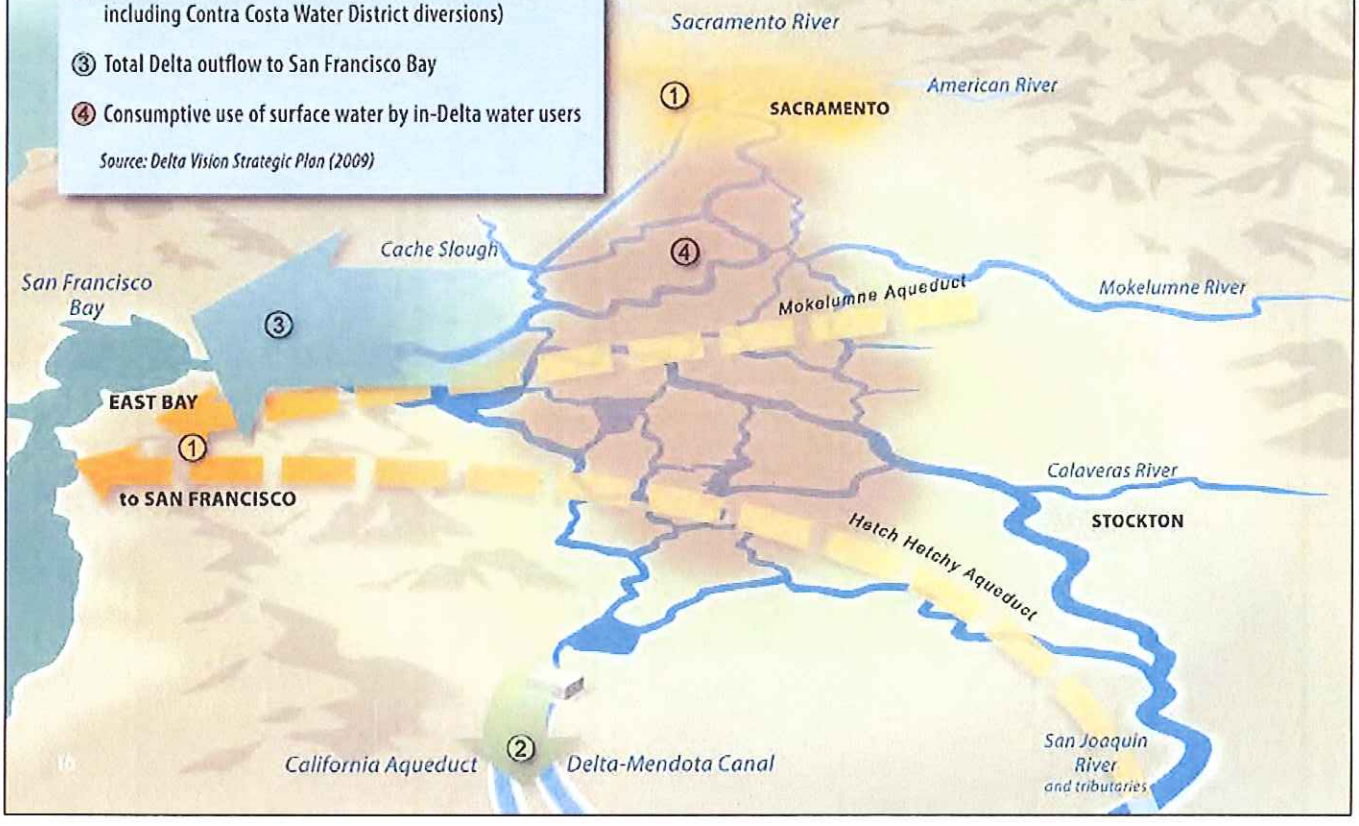
① Delta watershed consumptive use of applied water and diversions for Friant-Kern Canal, East Bay Municipal Utility District's Mokelumne Aqueduct, and San Francisco Public Utilities Commission's Hetch Hetchy Aqueduct

② Combined CVP and SWP diversions from the Delta (not including Contra Costa Water District diversions)

③ Total Delta outflow to San Francisco Bay

④ Consumptive use of surface water by in-Delta water users

Source: Delta Vision Strategic Plan (2009)



BACKGROUND

Attachment 2

How Water Currently Flows Through the Delta

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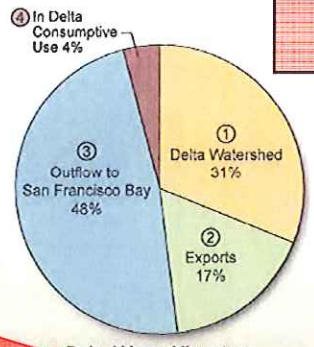
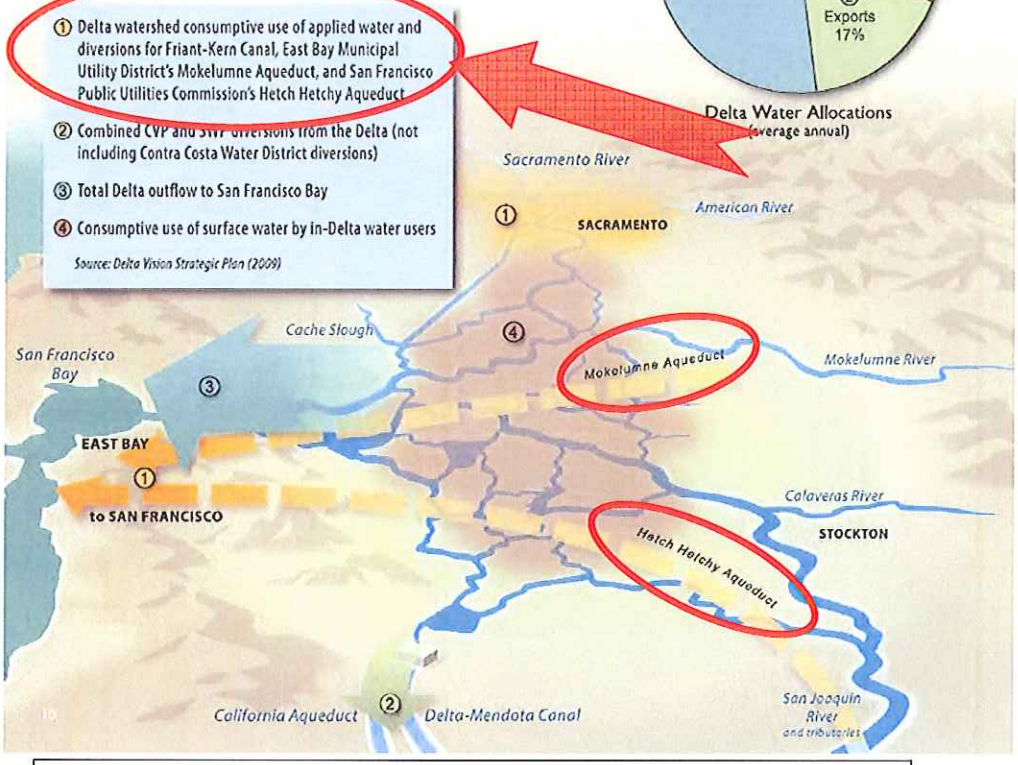
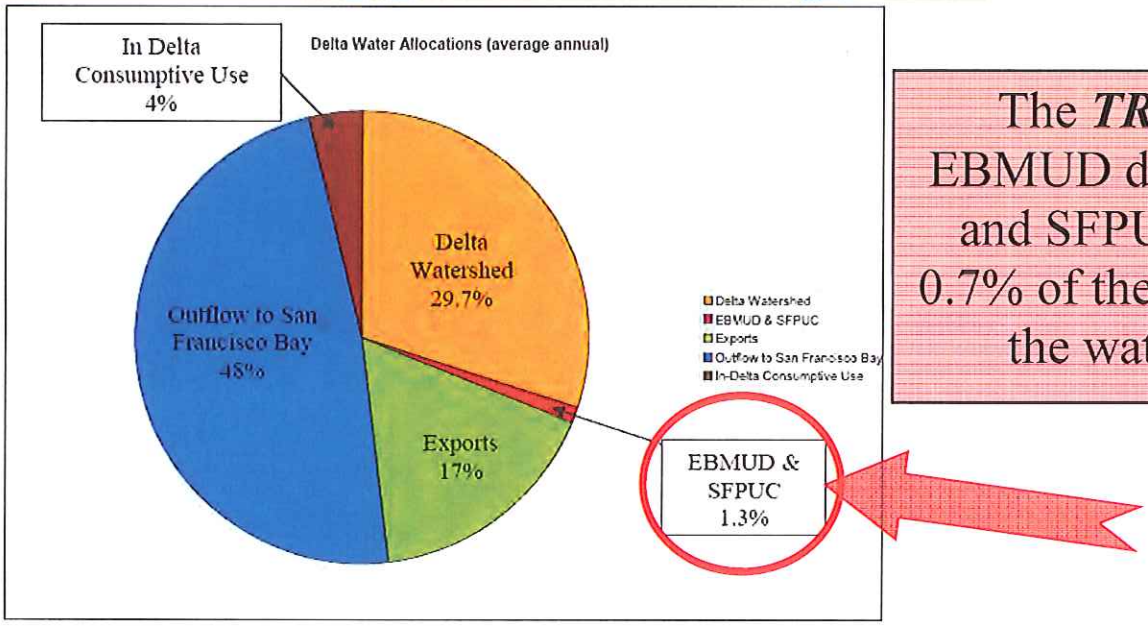


Delta Water Allocations (average annual)



The ***MYTH***…
BDCP Report implies that EBMUD and SFPUC divert most of the water from the watershed...



The ***TRUTH***…
EBMUD diverts 0.6% and SFPUC diverts 0.7% of the water from the watershed.